

AMENDED IN SENATE MARCH 24, 2011

SENATE BILL

No. 434

Introduced by Senator Anderson

February 16, 2011

An act ~~relating to water~~ to add Section 5028.5 to the Penal Code, relating to undocumented criminal immigrants.

LEGISLATIVE COUNSEL'S DIGEST

SB 434, as amended, Anderson. ~~Water: delivery and storage.~~ *Undocumented criminal immigrants: costs of incarceration: collection of data.*

Existing federal law requires the federal government to compensate a state for the costs of incarcerating undocumented criminal illegal immigrants, or to take the undocumented criminal immigrant into federal custody, as specified.

This bill would require the Secretary of the Department of Corrections and Rehabilitation to annually bill the federal government for the costs of incarcerating undocumented criminal immigrants. The bill would require the Attorney General to utilize all available legal resources to obtain reimbursement if the federal government fails to make payment.

This bill would also require the Department of Justice to collect data on the total number of and percentage of undocumented immigrant inmates in all state and local correctional institutions in the state and to publish the data on its Internet Web site, as specified. The data would be required to be annually updated and published.

~~Existing law states that the general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable.~~

~~This bill would state the intent of the Legislature to enact legislation to enhance delivery of public water resources and storage.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 5028.5 is added to the Penal Code, to*
2 *read:*

3 5028.5. (a) (1) *The Secretary of the Department of Corrections*
4 *and Rehabilitation shall annually bill the federal government, in*
5 *writing, for the full cost of incarcerating any undocumented*
6 *criminal immigrant incarcerated within California's correctional*
7 *system.*

8 (2) *If the federal government does not make the payment*
9 *demand in paragraph (1), the Attorney General shall utilize all*
10 *available legal resources to obtain compliance with payment of*
11 *the written bill.*

12 (b) *The Department of Justice shall collect data on the total*
13 *number of and percentage of undocumented immigrant inmates*
14 *in all state and local correctional institutions in the state and*
15 *publish this data on the Internet Web site of the department. This*
16 *data shall be initially collected and published on or before July*
17 *1, 2012, and thereafter updated and published annually on or*
18 *before July 1 of each year.*

19 ~~SECTION 1. It is the intent of the Legislature to enact~~
20 ~~legislation to enhance delivery of public water resources and~~
21 ~~storage.~~